

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL REVISION APPLICATION No 89 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE N.N.MATHUR

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

SHEKH HAMID ALIMIIYA

Versus

STATE OF GUJARAT

Appearance:

NANAVATY ADVOCATES for Petitioner

MR KP RAVAL, ADDL. PUBLIC PROSECUTOR for Respondent No. 1

CORAM : MR.JUSTICE N.N.MATHUR

Date of decision: 28/02/97

ORAL JUDGEMENT

1. Rule. Learned APP waives service of rule on the respondent.

2. The accused petitioner has been convicted for offence u/s 66-B of the Bombay Prohibition Act and sentenced to suffer simple imprisonment for a period of three months and to pay fine of Rs.500/-, in default of payment, to further undergo two months simple

imprisonment. The accused - petitioner has also been convicted for offence u/s 66-E of the Bombay Prohibition Act to suffer simple imprisonment of three months and to pay fine of Rs.500/-, in default, to further undergo two months simple imprisonment. Both the sentences have been ordered to run concurrently.

3. Having heard the Mr Chhaya, learned counsel for the petitioner, I do not find any illegality in the impugned order of conviction passed by both the Courts below.

4. It is contended by Mr Chhaya, learned counsel that the sentence awarded to the petitioner is excessive. This prayer is opposed by the learned APP. Having considered the facts and circumstances of the case, the ends of justice would meet if the sentence awarded for offences u/s 65-B and 65-E of the Bombay Prohibition Act are reduced from a period of three months to a period of 15 days and the fine is enhanced from Rs. 500/- to Rs.2,000/-.

5. In view of the aforesaid, while maintaining the conviction of the petitioner u/s 66-B and 66-E of the Bombay Prohibition Act, the sentence awarded on each count is reduced from three months to fifteen days and the fine is enhanced from Rs.500/- to Rs.2000/- on each count. With this observation, this Criminal Revision Application is partly allowed. Rule made absolute.

parmar*